

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIBERTY MUTUAL INSURANCE COMPANY

Plaintiff,

07 CV 11292 (JFK)

- against -

NOTICE OF MOTION

TRAVELERS PROPERTY CASUALTY COMPANY
OF AMERICA f/k/a THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS,

Electronically Filed

Defendant.

PLEASE TAKE NOTICE that upon the annexed January 22, 2008 Declaration of Andrew M. Premisler, Esq., and all the exhibits attached thereto; and upon the accompanying January 22, 2008 Memorandum of Law, Defendant Travelers Property Casualty Company of America f/k/a The Travelers Indemnity Company of Illinois will move this Court before the Honorable John F. Kennan, Room 20C of the Courthouse located at 500 Pearl Street, New York, New York, at 10:00 a.m. on February 22, 2008, for an Order dismissing the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure in lieu of an answer.

Dated: New York, New York
January 22, 2008

LAZARE POTTER GIACOVAS
& KRANJAC LLP

s/ Andrew M. Premisler

By: Stephen M. Lazare, Esq. (SL-2243)
Andrew M. Premisler, Esq. (AP-0811)
950 Third Avenue
New York, New York 10022
(212) 758-9300
Attorneys for Defendant Travelers Property
Casualty Company of America f/k/a The
Travelers Indemnity Company of Illinois

CERTIFICATE OF SERVICE

I, Andrew M. Premisler, Esq., hereby certify that on January 22, 2008, the foregoing Notice of Motion was filed with the Clerk of the District Court by electronic filing using the CM/ECF system and served by electronic filing and regular mail upon the following parties:

Marshall T. Potashner, Esq.
Jaffe & Asher LLP
600 Third Avenue
New York, New York 10016
(212) 687-3000

Dated: New York, New York
January 22, 2008

s/ Andrew M. Premisler
Andrew M. Premisler (AP-0811)
Lazare Potter Giacobas & Kranjac LLP
950 Third Avenue
New York, New York 10022
(212) 758-9300
apremisler@lpgk.com
Attorneys for Defendant Travelers Property
Casualty Company of America f/k/a The
Travelers Indemnity Company of Illinois